

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**CIVIL CASE NO. 3:08cv260
(RELATED CRIMINAL CASE NO. 3:04cr105)**

VICTOR A. RITA,)	
)	
Petitioner,)	
)	
)	
vs.)	<u>ORDER</u>
)	
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	
)	
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THIS MATTER is before the Court on the Petitioner’s Request for a Certificate of Appealability. [Doc. 19].

An appeal may not be taken to the Court of Appeals from the denial of a motion pursuant to 28 U.S.C. § 2255 unless a certificate of appealability has been issued. 28 U.S.C. § 2253(c)(1)(B). Such a certificate may not issue unless “the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). The Petitioner has not made such a showing in this case.

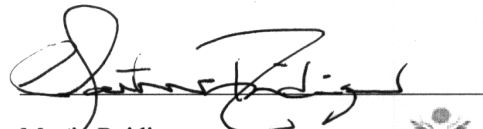
IT IS, THEREFORE, ORDERED that the Petitioner's Request for a Certificate of Appealability [Doc. 19] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court is **DIRECTED** to deliver a copy of this Order to the Petitioner at the following address:

Victor A. Rita, Jr.
19614-058
Pensacola Federal Prison Camp
Inmate Mail/Parcels
110 Raby Avenue
Pensacola, FL 32509

IT IS SO ORDERED.

Signed: September 1, 2009


Martin Reidinger
United States District Judge

